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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,310	02/07/2001	Stephen Memory	655.00875	5647

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EXAMINER

PATEL, NIHIR B

ART UNIT PAPER NUMBER

3743

DATE MAILED: 03/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,310

Applicant(s)

MEMORY ET AL.

Examiner

Nihir Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-33 is/are pending in the application.
- 4a) Of the above claim(s) 15, 18 and 21-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 13, 14, 16, 17, 19 and 31-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 13, 14, 16, 17, 19, and 20 have been considered but are moot in view of the new ground(s) of rejection.
2. Claims 15, 18, and 21-30 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 6.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Larinoff US Patent No. 5,467,816. Larinoff discloses a finned tubes for air-cooled steam condensers that does provide first and second headers (Refer to US Patent No. 5,139,083 and column 5 lines 15-20); at least one flattened tube 10 (see figure 2) extending between and in fluid communication with the headers and defining a plurality of generally parallel tube runs in spaced relation to one another; each of the tube runs having opposite edges defining a tube major dimension and interconnecting side walls defining a tube minor dimension and a plurality of interior ports; a plurality of plate fins 12 (see figure 3) arranged in a stack and each having a plurality of open ended tube run (see figure 4) receiving slots, one for each tube run, each slot having a shape generally that of the cross section of the tube run to be received therein, a width equal to or just

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less than the minor dimension of the corresponding tube run and a depth somewhat less than the major dimension of the corresponding tube run; each tube run being nested within corresponding slots in the fins with one of the side walls of each tube run located outwardly of the slots in which it is received; and headers, the tube runs and the fins comprising a brazed assembly (see column 7 lines 50-55).

Referring to claim 14, Larinoff discloses tube runs that are defined by individual tubes.

Referring to claim 17, Larinoff discloses slots that have flange free edges brazed to the tube runs (column 7 lines 50-55).

Referring to claim 19, Larinoff discloses plate fins that are elongated and the slots open to one elongated edge thereof, the other elongated edge being uninterrupted by the slots (see figure 3).

Referring to claim 31, Larinoff discloses finned tubes for air cooled steam condensers that comprises first and second headers (Refer to US Patent No. 5,139,083 and column 5 lines 15-20); at least one flattened tube 10 (see figure 2) extending between and in fluid communication with the headers and defining a plurality of generally parallel tube runs in spaced relation to one another; each tube run having opposite edges defining a tube major dimension and interconnecting side walls defining a tube minor dimension and a plurality of interior ports; a plurality of elongated plate fins 12 (see figure 3) arranged in a stack and each having a plurality of open ended elongated, aligned tube run receiving slots with the slots opening to an elongated edge of the fins, one for each tube run, each slot having a shape generally that of the cross-section of the tube run received therein, a width equal to or just less than the minor dimension of the corresponding tube run and a depth somewhat less than the major dimension of the

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corresponding tube run; each tube run being nested within corresponding aligned slots in the fins with one of the side walls of each tube run located outwardly of the slots in which it is received; and the headers, the tube runs, and the fins comprising a brazed assembly (see column 7 lines 50-55).

Referring to claim 32, Larinoff discloses slots that are at a substantial angle to the direction of elongation of the fins (see figures 1-4).

Referring to claim 33, Larinoff discloses slots that are at about 90 degrees to the direction of elongation of the fins (see figures 1-4).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Nihir Patel whose telephone number is (703) 306-3463. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful the examiner supervisor Henry Bennett can be reached at (703) 308-0101.

NP
February 24, 2003

Henry Bennett
Supervisor Patent Examiner
Group 3700